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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,080	10/03/2001	Hitesh Shah	006004.00004	2094
22909	7590	01/12/2006		
BANNER & WITCOFF, LTD. 1001 G STREET, N.W. WASHINGTON, DC 20001-4597			EXAMINER NGUYEN, DUC MINH	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/971,080	<b>Applicant(s)</b> SHAH, HITESH	
	<b>Examiner</b> Duc Nguyen	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-36, 38-41, 43-47, 50-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald (6,564,056) in view of Hermann et al (6,633,757) and Chennakeshu et al (6,542,758).

Consider claim 1, 3-4, 38-39, 43, 50-53. Fitzgerald teaches a wireless communication system, comprising a wireless device (HUB 100, fig. 1); and a personal wireless telephones (PDA 124, phone 130, fig. 1), at least one of the wireless telephones/device being inherently subscribed to a connectivity service (external network such as Internet, data network, telephone network, and/or a cellular network) for sharing information between the wireless telephones/device (col. 1, ln. 55 to col. 2, ln. 3). Fitzgerald further clearly teaches in column(s) 7, line(s) 59-67 that the type of data between the hub (100) and any devices 120-140 can be either continuous or bulk in which the continuous data defined as a phone conversation. Fitzgerald does not teach a wireless local area network (LAN) for use within cars, or trucks.

Hermann teaches a wireless local area network (LAN) for use within car, truck, and airplanes (col. 6, ln. 47-51). Hermann further teaches that wireless telephones/devices can use services provided or rendered by other devices (cellular phones and pagers; col. 6, ln. 52-67), and to compose or combine services (col. 15, ln. 36-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Hermann into the teachings of Fitzgerald in order to enable sharing services, to use services provided or rendered by other devices, and to compose or combine services.

Fitzgerald in view of Hermann teaches the use of WLAN in vehicle or the like. However, both do not clearly state that the WLAN is integrated into the vehicle.

Chennakeshu teaches part of the vehicular wireless telephone is integrated into the steering wheel of the vehicle (col. 3, ln. 55 to col. 4., ln. 8) for the purpose of being easily accessed by the driver.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Chennakeshu into the teachings of Fitzgerald in view of Hermann for the purpose mentioned above.

Consider claim 2, 5-6, 16-20. Fitzgerald further teaches HUB (100) enables the devices (120-140) to communicate with external service providers (col. 1, ln. 55-64). Therefore, either or both the HUB and the devices must have subscription with the external service providers and such subscription (i.e., connectivity service) must be activated before the devices communicating with the HUB.

Consider claims 7, 11, 21, 25. (Fitzgerald, col. 4, ln. 50 to col. 5, ln. 15) reads on the limitations of these claims.

Consider claims 8, 22. Fitzgerald further teaches devices such as PDA (124) and automobiles (138) may belong to different public data networks (PDNs) at different times. Since they belong the public data networks, they obviously have the ability to communicate with the

Art Unit: 2643

vehicular wireless telephone/device (HUB 100) through a wireless telephone network or vice versa.

Consider claims 9, 23. The wireless telephone network inherently has a HLR for authorizing a wireless communication between the personal wireless devices (PDA 124, phone 130, automobiles 138, fig. 1) and the vehicular wireless device (HUB 100) over the wireless telephone network (see the rejection of claim 8).

Consider claims 10, 24. The wireless telephone network inherently receives identity authentication information (MIN and ESN) from the personal wireless telephone or the wireless HUB before permitting wireless communication between the personal wireless telephone (PDA 124, cellular phone 130, automobiles 138, fig. 1) and the vehicular wireless telephone/device (HUB 100, see the rejection of claim 8).

Consider claims 12, 26. (Fitzgerald's col. 1, ln. 53-64) reads on the limitations of these claims.

Consider claims 13-14, 27-28. (Fitzgerald's fig. 1, HUB 100, PDA 124, cellular phone 130, automobiles 138, fig. 1) reads on voice and data communications.

Consider claims 15, 29-31. Fitzgerald further teaches HUB (100) enables the devices (120-140) to communicate with external service providers (col. 1, ln. 55-64) and to enable a user on the external network to communicate with the controller and with devices in the private network (col. 1, ln. 53-64).

Consider claim 32-34. Fitzgerald teaches HUB (100) enables the devices (120-140) to communicate with external service providers (col. 1, ln. 55-64). Therefore, either or both the HUB and the devices must have subscription with the external service providers and such

Art Unit: 2643

subscription (i.e., connectivity service) must be activated before the devices communicating with the HUB. Fitzgerald further teaches devices such as PDA (124) and automobiles (138) may belong to different public data networks (PDNs) at different times. Since they belong the public data networks, they obviously have the ability to communicate with the vehicular wireless telephone/device (HUB 100) through a wireless telephone network or vice versa.

Consider claims 35, 40. (Fitzgerald's col. 1, ln. 53-64) reads on the limitations of these claims.

Consider claims 36, 41. Fitzgerald further teaches HUB (100) enables the devices (120-140) to communicate with external service providers (col. 1, ln. 55-64). Therefore, either or both the HUB and the devices must have subscription with the external service providers and the providers would charge a fee for configuring the personal wireless telephones to communicate with the HUB.

Consider claims 44-45. Fitzgerald teaches HUB (100) enables the devices (120-140) to communicate with external service providers (col. 1, ln. 55-64). Fitzgerald further teaches devices such as PDA (124) and automobiles (138) may belong to different public data networks (PDNs) at different times. Since they belong the different public data networks, they might obviously be subscribed to different service providers.

Consider claims 46-47. Fitzgerald teaches HUB (100) enables the devices (120-140) to communicate with external service providers (col. 1, ln. 55-64). Fitzgerald further teaches devices such as PDA (124) and automobiles (138) may belong to different public data networks (PDNs) at different times. Since they belong the different public data networks, they might obviously be subscribed to different service providers. Hermann further teaches a wireless local

Art Unit: 2643

area network (LAN) for use in car, truck, and airplanes (col. 6, ln. 47-51). Hermann further teaches that wireless telephones/devices can use services provided or rendered by other devices (cellular phones and pagers; col. 6, ln. 52-67), and to compose or combine services (col. 15, ln. 36-38).

Consider claim 54. Fitzgerald teaches HUB (100) enables the devices (120-140) to communicate with external service providers (col. 1, ln. 55-64). Fitzgerald further teaches devices such as PDA (124) and automobiles (138) may belong to different public data networks (PDNs) at different times. Since they belong the different public data networks, they might obviously be subscribed to different service providers and the providers would charge a fee for configuring the personal wireless telephones to communicate with the HUB.

3. Claims 37, 42, 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald (6,564,056) in view of Hermann et al (6,633,757) and Chennakeshu et al (6,542,758) as applied to claims 1-36, 38-41, 43-47, 50-54 above, and further in view of Walker et al (6,246,755).

Consider claims 37, 42, 48-49. Fitzgerald in view of Hermann and Chennakeshu does not teach sharing revenue between service providers.

Walker teaches sharing revenue between service providers (revenue is shared between the content providers and telecommunication service providers; col. 3, ln. 21-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Walker into the teachings of Fitzgerald in view of

Art Unit: 2643

Hermann and Chennakeshu in order to allow callers to anonymously access a service, and/or reducing the high cost of telephone connections for such services.

***Response to arguments***

4. Applicant's arguments filed 10/24/2005 have been fully considered but they are not persuasive.

Regarding the Fitzgerald reference, applicant states, "claims 1-31 recite a vehicular wireless telephone integrated into a vehicle and personal wireless telephone. Applicants again submit that these features are not taught or suggested by either the Fitzgerald patent or the Hermann et al patent."	In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a vehicular wireless telephone integrated into a vehicle and personal wireless telephone) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See <i>In re Van Geuns</i> , 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 1 recites a wireless communication system, comprising: a vehicular wireless telephone integrated into a vehicle; and a personal wireless telephone. Based the claimed language, the personal
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	<p>wireless telephone is not integrated into the vehicle.</p> <p>In contrast to applicant's assertions, Fitzgerald clearly teaches in column(s) 7, line(s) 59-67 that the type of data between the hub (100) and any devices 120-140 (especially a vehicular wireless telephone 138) can be either continuous or bulk in which the continuous data defined as a <u>phone conversation</u>.</p> <p>Hermann clearly teaches a wireless local area network (LAN) in combination with cellular phones and pagers for use in car, truck, and airplanes (col. 6, ln. 15-67). Hermann further teaches that wireless telephones/devices can use services provided or rendered by other devices (cellular phones and pagers; col. 6, ln. 52-67), and to compose or combine services (col. 15, ln. 36-38). Fitzgerald further teaches that wireless LAN (PDN 102, HUB 100) in combination with telephones/devices (PDA 124, phone 130 or vehicular wireless device 138) can use services provided or rendered by</p>
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	other devices (see the entire abstract; column(s) 3, line(s) 36 to column(s) 4, line(s) 11; column(s) 6, line(s) 15-29; column(s) 7, line(s) 59 to column(s) 8, line(s) 32), and to compose or combine services (see the entire abstract; column(s) 3, line(s) 36 to column(s) 4, line(s) 11; column(s) 6, line(s) 15-29; column(s) 7, line(s) 59 to column(s) 8, line(s) 32).
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### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (571) 272-7503. The examiner can normally be reached on 7:00AM-3: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Duc Nguyen  
Primary Examiner  
Art Unit 2643

1/7/06